

EXHIBIT B

From: [Marden, Libby](#)
To: ["Rachel Abrams"; Tarpley, Lisa A.; Adam B. Wolf; Sara Craig; Luhana@chaffinluhana.com; slondon@girardsharp.com; akaufman@girardsharp.com; Erick Rosemond; Sejal Brahmabhatt; Myles Shaw; ehurd; ubermdldiscovery@chaffinluhana.com](#)
Cc: [Vartain, Laura; Cox, Christopher; Davidson, Jessica; Brown, Alli; Caritis, Alexandra; Power, Caroline; Wyatt, Geoffrey M.; Trangle, Asher; #Uber KE – Paralegal Team; Uber PW Bellwether](#)
Subject: RE: In Re Uber Technologies, Inc., Case No. 3:23-md-03084-CRB (MDL): Defendants' Deposition Notice of Heleya Rad (WHB 823)
Date: Wednesday, October 22, 2025 7:43:16 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Counsel,

Under the Federal Rules, Uber is entitled to “the facts or data considered by the [Dr. Rad] in forming” the opinions in her expert report. Fed. R. Civ. P. 26(a)(2)(B)(ii). This includes the “test data” for all psychological testing conducted by her. In accordance with Section 9.04(a) of the American Psychological Association Ethical Principles of Psychologists and Code of Conduct (“APA Code of Conduct”), “[t]he term test data refers to raw and scaled scores, client/patient responses to test questions or stimuli, and psychologists’ notes and recordings concerning client/patient statements and behavior during an examination.” Further, Section 9.04(a) clarifies that “[t]hose portions of test materials that include client/patient responses are included in the definition of test data.”

Section 9.04(b) of the APA Code of Conduct states that Dr. Rad is obligated to provide test data to Uber “as required by law or court order.” Courts have regularly directed parties and their expert psychologists to produce “test data” such as “the Neuropsychological Evaluation Notes from the joint clinical interview, [the expert’s] separate handwritten notes, the NHQ [“Neuropsychological History Questionnaire”], the PAI [“Personality Assessment Inventory”] Clinical Interpretive Report, and the Raw Data Sheet.” *Wayne v. Officer Ralph Kirk #21*, 2016 WL 492338, at *10 (N.D. Ill., Feb. 9, 2016).

Your “belief” that “this information should [not] be provided to Uber or Uber’s experts” not only goes against established law, but against statements made on record by Dr. Rad’s counsel. For starters, caselaw is clear that, subject to a Protective Order (which has already been entered in this case), Uber is not required to “retain such an expert solely to review the [test] data . . . which underly Dr. [Rad’s] opinion.” *Glennon v. Performance Food Grp., Inc.*, 2021 WL 3130050, at *6 (S.D. Ga. July 23, 2021); see also *Guinn v. Praxair, Inc.*, 2019 WL 12096811, at *2 (E.D. Mich. Mar. 21, 2019) (ordering that plaintiff “disclose to [defendant’s] attorneys . . . the test data . . . prepared by” plaintiff’s expert). But even if Plaintiffs were not required to produce test data to Uber—and they are—they must at least produce it to Uber’s expert, Dr. Reminick. In fact, counsel for Dr. Rad expressly agreed to provide it to Uber’s expert on the record. See 7/17/2025 Rad Dep. 283:7-9 (“No, we’ll produce it to your expert.”).

Accordingly, Dr. Rad needs to produce to Uber and its expert: (i) all the scores and subscores from all the psychological tests she conducted; and (ii) the interpretive reports for those scores. Please produce this material by noon PT on October 23 in light of the deadline for rebuttal reports.

Thanks,
Libby

Libby Marden

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From: Rachel Abrams <rabrams@peifferwolf.com>

Sent: Wednesday, October 22, 2025 12:16 PM

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Subject: Re: In Re Uber Technologies, Inc., Case No. 3:23-md-03084-CRB (MDL): Defendants' Deposition Notice of Heleya Rad (WHB 823)

This message is from an EXTERNAL SENDER

Be cautious, particularly with links and attachments.

Counsel,

On October 16, I responded regarding Uber's similar request for Mindy Mechanic's testing data. We do not believe this information should be provided to Uber or Uber's experts. If you provide a legal basis for Uber's position, we will review it and respond accordingly.

Regards,

Rachel

Rachel Abrams
Partner

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From: Marden, Libby <libby.marden@kirkland.com>

Date: Wednesday, October 22, 2025 at 9:24 AM

To: Rachel Abrams <rabrams@peifferwolf.com>, Tarpley, Lisa A. <ltarpley@kirkland.com>, Adam B. Wolf <awolf@peifferwolf.com>, Sara Craig <scraig@peifferwolf.com>, Luhana@chaffinluhana.com <Luhana@chaffinluhana.com>, slondon@girardsharp.com <slondon@girardsharp.com>, akaufman@girardsharp.com <akaufman@girardsharp.com>, Erick Rosemond <erick@whlaw.com>, Sejal Brahmbhatt <sbrahmbhatt@whlaw.com>, Myles Shaw <mshaw@whlaw.com>, ehurd <ehurd@simmonsfirm.com>, ubermdldiscovery@chaffinluhana.com <ubermdldiscovery@chaffinluhana.com>

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Counsel,

Please be advised that we are still missing this information. Please provide it as soon as possible to avoid further issues with the rebuttal deadline.

Thank you,
Libby

Libby Marden

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From: Marden, Libby

Sent: Sunday, October 19, 2025 12:07 PM

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Counsel,

As discussed in last week's deposition, we are requesting a copy of Dr. Rad's testing data, which is needed prior to this week's rebuttal deadline. Please let us know when we can expect to receive it.

Thank you,
Libby

Libby Marden

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From: Tarpley, Lisa A. <ltarpley@kirkland.com>

Date: Monday, October 13, 2025 at 5:58 PM

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Subject: In Re Uber Technologies, Inc., Case No. 3:23-md-03084-CRB (MDL):
Defendants' Deposition Notice of Heleya Rad (WHB 823)
Counsel,

Attached please find Defendants' Notice of Deposition of Dr. Heleya Rad.

Thank you,

Lisa A. Tarpley

Senior Paralegal

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